



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MICHEAL L. GRUENBERG

Serial No.: 08/700,565

Filed: July 25, 1996

For: AUTOLOGOUS IMMUNE CELL  
THERAPY: CELL COMPOSITIONS,  
METHODS AND APPLICATIONS TO  
TREATMENT OF HUMAN DISEASE

Art Unit: formerly 1816

Examiner: Schwadron, R

**SUPPLEMENTAL AMENDMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Responsive to the Office Action, mailed November 21, 1997, and  
supplemental to the responses mailed May 21, 1998 and June 23, 1998, please  
amend the above-captioned application as follows:

**IN THE CLAIMS:**

Please add claims 195- as follows:

- 200  
- 195. The method of claim 3, wherein the expanded cells are  
purified. —
- 201  
- 196. The method of claim 1, wherein the mammal is a human. —
- 202  
- 197. The method of claim 2, wherein the mammal is a human. —
- 203  
- 198. The method of claim 3, wherein the mammal is a human. —
- 204  
- 199. The method of claim 1, wherein the immune cells are  
activated ex vivo in the presence of interferon- $\gamma$ , whereby differentiation of Th1  
cells are effected. —
- 205  
- 200. The method of claim 1, wherein the expanded cells are  
predominantly Th1 cells, whereby the resulting population has a Th1 or Th1-like  
cytokine profile. —

I hereby certify that this paper and the attached  
papers are being deposited with the United States  
Postal Service as first class mail in an envelope  
addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231, on this date.

07/27/98  
Date

Stephanie Seidman

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U.S.S.N. 08/700,565  
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SUPPLEMENTAL AMENDMENT

<sup>206</sup>  
- ~~201~~. The method of claim 6, wherein the expanded cells are predominantly Th1 cells, whereby the resulting population has a Th1 or Th1-like cytokine profile. —

<sup>207</sup>  
- ~~202~~. The method of claim 7, wherein the expanded cells are predominantly Th1 cells, whereby the resulting population has a Th1 or Th1-like cytokine profile. —

<sup>208</sup>  
- ~~203~~. The method of claim 1, wherein the expanded cells are predominantly Th2 cells, whereby the resulting population has a Th2 or Th2-like cytokine profile. —

<sup>209</sup>  
- ~~204~~. The method of claim 6, wherein the expanded cells are predominantly Th2 cells, whereby the resulting population has a Th2 or Th2-like cytokine profile. —

<sup>210</sup>  
- ~~205~~. The method of claim 7, wherein the expanded cells are predominantly Th2 cells, whereby the resulting population has a Th2 or Th2-like cytokine profile. —

REMARKS

Any fees, including fees for additional claims, that may be due with this paper or with this application during its entire pendency may be charged to Deposit Account No. 08-1641. If a Petition for extension of time is needed, this paper is to be considered such Petition. A change of address accompanies this response.

Claims 195-205 are added herein. These claims are the same as original claims 136-146. In preparing divisional applications in accord with the requirement for restriction in this application, it was noted that claims 136-146 are improperly grouped in group IV, which is drawn to methods of treatment. These claims properly belong with group I, which is drawn to methods for making immune cells, the claims prosecuted in the instant application. Since these claims encompass embodiments that have been examined in this application, they are added herein in order to avoid having to file an other

**U.S.S.N. 08/700,565**  
**GRUENBERG**  
**SUPPLEMENTAL AMENDMENT**

continuing application. Entry is respectfully requested. It is noted that if these claims are denied entry and pursued in the divisional, the Office is precluded from a finding of obviousness-type double patenting. As a result, applicant could have two patents issue that claim overlapping subject matter.

\* \* \*

In view of the above remarks and the amendments and remarks of record, consideration and allowance of the application are respectfully requested.

Respectfully submitted,  
HELLER EHRMAN WHITE & MCAULIFFE

By:

  
Stephanie Seidman  
Registration No. 33,779

Attorney Docket No. 6870-500B (now 24731-500B)  
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